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Attorney for Defendant

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re:)	
)	
Ronald James Barbieri)	Bankruptcy Case No. 09-12584
)	
Debtor)	Chapter 7
)	
Judith Barbieri)	Adversary Proceeding No. 09-01159
)	
Plaintiff)	ANSWER TO COMPLAINT
)	
Ronald James Barbieri)	
)	
Defendant)	
)	

Ronald James Barbieri, Defendant herein, answers the Complaint on file herein as follows:

1. This answering Defendant admits the allegations contained in paragraphs 1 through 23 of the Complaint, except Defendant lacks sufficient information and belief to admit or deny some of the allegations contained in paragraphs 1, 10 and 19 of the Complaint and based thereon denies each and every allegation contained therein.

2. This answering Defendant denies the allegations set forth in paragraph 11 of the Complaint to the extent that Defendant did not deny ever having any interest in Starrett Hill, but rather stated that title to Starrett Hill was not in his name.

1 FIRST AFFIRMATIVE DEFENSE

2 As and for a First Affirmative Defense, this answering Defendant alleges that the
3 complaint fails to set forth sufficient facts upon which the relief sought may be granted under
4 either 11 U.S.C. §523 or 11 U.S.C. §727.

5 SECOND AFFIRMATIVE DEFENSE

6 As and for a Second Affirmative Defense, this answering Defendant alleges that the
7 Plaintiff was informed, advised and knowledgeable concerning the extent and disposition of
8 community assets during the course of the marriage and Defendant accurately disclosed all
9 community assets during the dissolution.

10 THIRD AFFIRMATIVE DEFENSE

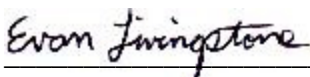
11 As and for a Third Affirmative Defense, this answering Defendant alleges that any funds
12 Defendant received from the disposition of community property were used for expenses of the
13 community.

14 FOURTH AFFIRMATIVE DEFENSE

15 As and for a Fourth Affirmative Defense, this answering Defendant alleges that even if
16 Defendant had made a material misrepresentation to Plaintiff (which he did not), Plaintiff did not
17 reasonably rely on Defendant's alleged misrepresentation to her detriment.

18
19 WHEREFORE, this answering Defendant prays that the Plaintiff take nothing by way of
20 the Complaint on file herein, for reasonable attorneys fees, for costs of suit incurred herein, and
21 for such other and further relief as the Court deems just and proper.
22

23 Dated: December 16, 2009


by: Evan Livingstone
Attorneys for Ronald James Barbieri

1
2 UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

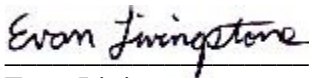
3 In Re:)
4 Ronald James Barbieri) Bankruptcy Case No. 09-12584
5 Debtor) Chapter 7
6 Judith Barbieri) Adversary Proceeding No. 09-01159
7 Plaintiff) **Certificate of Service**
8 Ronald James Barbieri)
9 Defendant)
_____)

10
11 CERTIFICATE OF SERVICE
12

13 I certify that I served the following person by first class mail with a copy of the Answer
14 to Complaint in this matter.

15 Morris J. Sorenson
16 717 College Ave, First Floor
Santa Rosa, CA 95404

17
18 Dated: December 16, 2009


by: Evan Livingstone